



asking that the Court enter a default judgment against the DOC Defendants for failure to file summary judgment motions. This Motion also will be denied. Federal Rule of Civil Procedure 56 permits parties to file motions for summary judgment; it does not require them to do so. See Fed. R. Civ. P. 56(a) (“A party may move for summary judgment . . . .” (emphasis added)).

Accordingly, it hereby is ORDERED that Defendant Timothy Kross’s Motion for Summary Judgment (Doc. 233) is GRANTED; all remaining claims against Defendant Timothy Kross are dismissed, with prejudice; and the Report and Recommendation (Doc. 276) is adopted as the Opinion of the District Court. It is FURTHER ORDERED that Plaintiff’s Motion for Sanctions and Default Judgment (Doc. 280) is DENIED.

IT IS SO ORDERED.

June 14, 2022

s/Cathy Bissoon  
Cathy Bissoon  
United States District Judge

cc (via ECF email notification):  
All Counsel of Record

cc (via U.S. Mail):

JOHN DALE PREACHER  
HU7994  
SCI FAYETTE  
50 Overlook Drive  
LaBelle, PA 15450